

REMARKS

In the final Office Action, the Examiner objects to claims 8-12 for minor informalities; and rejects claims 8-12 under 35 U.S.C. § 103(a) as unpatentable over WALL et al. (U.S. Patent Application Publication No. 2003/0140056) in view of CAMPBELL (U.S. Patent Application Publication No. 2004/0008225), and further in view of NAKANO (U.S. Patent Application Publication No. 2002/0004701). Applicant respectfully traverses the objection and rejection.

By way of the present amendment, Applicant amends claims 8-12 to improve form. No new matter has been added by way of the present amendment. Claims 1, 4, 5, 8-16, and 20-24 are pending, of which claims 1, 4, 5, 13-16, and 20-24 have been withdrawn from consideration.

Claims Objections

Claims 8-12 stand objected to because of minor informalities. Applicant respectfully traverses this rejection.

While not acquiescing in the Examiner's allegations, but merely to expedite prosecution, Applicant amends claims 8-12 to address the Examiner's concerns. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to claims 8-12.

**Rejection under 35 U.S.C. § 103(a)
based on WALL et al., CAMPBELL, and NAKANO**

Claims 8-12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over WALL et al. in view of CAMPBELL, and further in view of NAKANO. Applicant respectfully traverses this rejection.

Independent claim 8, as amended, is directed to a portable electronic device to at least partly organize data in relation to fix points of geographic locations, the portable electronic device comprising a positioning unit to determine a geographic location of a user; a first data

receiving unit to capture, by the user, electronic media, where the captured electronic media comprises at least one of one or more picture files, or one or more video files; a second data receiving unit to receive a link to the captured electronic media; and a control unit to receive selection, from the user, of one or more fix points on a geographical map, where the one or more fix points are selected by the user prior to receiving the link, receive the geographic location of the user from the positioning unit, associate the geographic location of the user with a particular fix point, of the one or more fix points, associate the captured electronic media with the particular fix point, and receive the link, from the particular fix point to the captured electronic media, the link allowing the captured electronic media to be retrieved upon selection of the particular fix point. WALL et al., CAMPBELL, and NAKANO, whether taken alone or in any reasonably combination, do not disclose or suggest one or more of these features.

For example, WALL et al., CAMPBELL, and NAKANO, whether taken alone or in any reasonably combination, do not disclose or suggest a portable electronic device comprising a first data receiving unit to capture, by the user, electronic media (comprising at least one of one or more picture files, or one or more video files); and a control unit to associate a geographic location (determined by a positioning unit of the portable electronic device) of the user with a particular fix point, of the one or more fix points (selected by the user on a geographical map prior receiving a link to the captured electronic media), associate the captured electronic media with the particular fix point, and receive the link, from the particular fix point to the captured electronic media, the link allowing the captured electronic media to be retrieved upon selection of the particular fix point, as recited in claim 8, as amended.

The Examiner relies on paragraphs 0008 and 0018 of WALL et al. as allegedly disclosing “a control unit ... to associate the geographic location with the fix point, . . . to associate the

electronic media with the fix point” (final Office Action, p. 4). However, the Examiner admits that WALL et al. does not disclose that “the electronic media is captured by the at least data receiving unit prior to receiving the link, where the fix point is selected by the user prior to receiving the at least one link, and to receive the link from the fix point to the associated electronic media the link allowing the electronic media to be retrieved upon selection of the fix point,” and relies on Figs. 1-2 and paragraph 0085 of CAMPBELL, and NAKANO as allegedly disclosing those features (final Office Action, pp. 4-5). Applicant respectfully submits that neither these sections nor any other sections of WALL et al., CAMPBELL, and NAKANO disclose or suggest the above of feature of claim 8, as amended.

At paragraph 0008, WALL et al. discloses:

Thus, the present invention provides a user with information relating to geographical sites in a given area, thereby educating the user about the surrounding area. The received information can include historical, cultural, geological, related location specific information, as well as other information. In the preferred embodiment, the received information includes temporal specific information relating to one or more of the geographical sites. For example, the received information not only includes information about a civil war site but the starting time and location of a historical re-enactment that is being held, or the time and location for the next tour at given site. To further assist the user, the received information can also include one or more maps or directions informing the user where the user is with respect to the one or more geographical sites. In addition, the received information can also contain advertisements related to the position coordinates, such as an advertisement for a local restaurant or local lodging.

This section WALL et al. discloses providing a user with information (which the Examiner appears to allege corresponds to the recited electronic media) relating to geographical sites in a given area. This section of WALL et al. further discloses that the information includes one or more maps or directions informing the user where the user is with respect to the one or more geographical sites. However, WALL et al. does not disclose or suggest that the information

provided to the user is electronic media (comprising at least one of one or more picture files, or one or more video files) that was captured by the user using a portable electronic device.

In fact, WALL et al. teaches away from the above feature of claim 8 by specifically disclosing that the information is retrieved from remote databases and transmitted by a remote computer to a user information retrieval device (of the user) (Abstract, Fig. 1, and paragraph 0007, of WALL et al.). Therefore, in stark contrast to the above feature of claim 8, WALL et al. appears to disclose that the information was previously captured by an entity other than the user, and does not disclose or suggest that the information, provided to the user, is information that was captured by the user.

Moreover, WALL et al. does not disclose or suggest that the user selects one or more fix points on a geographical map, prior to receiving a link to the captured electronic media, and that a control unit (or any component) of the user information retrieval device associates a geographic location (determined by a positioning unit of the user information retrieval device) of the user with a particular fix point, of the one or more fix points.

Accordingly, WALL et al. cannot disclose or suggest a portable electronic device comprising a first data receiving unit to capture, by the user, electronic media; and a control unit to associate a geographic location (determined by a positioning unit of the portable electronic device) of the user with a particular fix point, of the one or more fix points (selected by the user on a geographical map prior receiving a link to the captured electronic media), associate the captured electronic media with the particular fix point, and receive the link, from the particular fix point to the captured electronic media, the link allowing the captured electronic media to be retrieved upon selection of the particular fix point, as recited in claim 8, as amended.

At paragraph 0018, WALL et al. discloses:

The positioning system unit 30 is configured to determine the position coordinates of the user information retrieval device 12, which can be accomplished in various ways known to one skilled in the art. For example, in one embodiment the positioning system unit 30 uses a global position system (GPS) 18 which interacts with two or more satellites to determine the position of the user information retrieval device 12. In another embodiment, the positioning system unit 30 uses a positioning determining system (towers or base stations) 18 in a wireless network 20 to determine the position of the user information retrieval device 12. In yet another embodiment, the positioning system unit 30 uses a navigational system 18 in a vehicle, such as WINCASTTM. In alternate embodiments, other positioning systems are utilized.

This section of WALL et al. discloses a positioning system unit that is configured to determine the position coordinates of a user information retrieval device. However, WALL et al. does not disclose or suggest that a user captures electronic media (comprising at least one of one or more picture files, or one or more video files) using the user information retrieval device (and that the electronic media is to be associated with a fix point selected by the user).

In fact, WALL et al. teaches away from the above feature of claim 8 by specifically disclosing that the information (which the Examiner appears to allege corresponds to the recited electronic media) is retrieved from remote databases and transmitted by a remote computer to the user information retrieval device (of the user) (Abstract, Fig. 1, and paragraph 0007, of WALL et al.). Therefore, in stark contrast to the above feature of claim 8, WALL et al. appears to disclose that the information was previously captured by an entity other than the user, and does not disclose or suggest that the information, provided to the user, is information that was captured by the user.

Moreover, WALL et al. does not further disclose or suggest that the user selects one or more fix points on a geographical map, prior to receiving a link to the captured electronic media, and that a control unit (or any component) of the user information retrieval device associates a geographic location (determined by the positioning system unit of the user information retrieval

device) of the user with a particular fix point, of the one or more fix points. Accordingly, WALL et al. cannot disclose or suggest the above feature of claim 8, as amended.

The disclosures of CAMPBELL and NAKANO do not overcome the deficiencies in the disclosure of WALL et al. with respect to claim 8, as amended.

Nevertheless, at paragraph 0085, which describes Fig. 1, CAMPBELL discloses:

37 Mapping Programs.

In connection with the above section of CAMPBELL, CAMPBELL discloses a remote server computer that includes computer mapping programs and a database (paragraph 0257 of CAMPBELL). CAMPBELL further discloses that the mapping programs include programs to retrieve and format data (which the Examiner appears to allege corresponds to the recited electronic media) from a database into a graphical user interface (GUI) with a linear map component (paragraph 0257 of CAMPBELL). CAMPBELL also discloses that further information is displayed on the GUI pursuant to a user selection of links (which the Examiner appears to allege corresponds to the recited link) (Abstract of CAMPBELL). However, CAMPBELL does not disclose or suggest that the data (or the further information), retrieved from the database, is electronic media (comprising at least one of one or more picture files, or one or more video files) that was captured by the user (using a data receiving unit of a portable electronic device).

In fact, CAMPBELL teaches away from the above feature of claim 8 by specifically disclosing that the data is retrieved from a database of a remote server computer (paragraph 0257 of CAMPBELL). Therefore, in stark contrast to the above feature of claim 8, CAMPBELL appears to disclose that information was previously captured by *an entity other than the user* and

stored in the database of the remote server computer, but does not disclose or suggest that the information, retrieved from the database, is information that was captured by the user.

Moreover, CAMPBELL does not further disclose or suggest that a user selects one or more fix points on a geographical map, prior to receiving a link to the captured electronic media, and that a control unit of a portable electronic device (of a user) associates a geographic location (determined by a positioning unit of the portable electronic device) of the user with a particular fix point, of the one or more fix points.

Accordingly, CAMPBELL cannot disclose or suggest a portable electronic device comprising a first data receiving unit to capture, by the user, electronic media; and a control unit to associate a geographic location (determined by a positioning unit of the portable electronic device) of the user with a particular fix point, of the one or more fix points (selected by the user on a geographical map prior receiving a link to the captured electronic media), associate the captured electronic media with the particular fix point, and receive the link, from the particular fix point to the captured electronic media, the link allowing the captured electronic media to be retrieved upon selection of the particular fix point, as recited in claim 8, as amended.

Fig. 2 of CAMPBELL depicts software components, applications, and steps involved in dynamically displaying a graphical user interface with a linear component. This section of CAMPBELL discloses that a user selects a link on a web page, and that information (which the Examiner appears to allege corresponds to the recited electronic media), retrieved from a database of a remote server computer, is provided to a client web browser where the information is displayed to the user (paragraph 0266 of CAMPBELL). However, CAMPBELL does not disclose or suggest that the information, retrieved from the database, is electronic media (comprising at least one of one or more picture files, or one or more video files) that was

captured by the user (using a data receiving unit of a portable electronic device). In fact, CAMPBELL teaches away from the above feature of claim 8 by specifically disclosing that the data is retrieved from a database of a remote server computer (paragraph 0266 of CAMPBELL). Therefore, in stark contrast to the above feature of claim 8, CAMPBELL appears to disclose that information was previously captured by an entity other than the user and stored in the database of the remote server computer, but does not disclose or suggest that the information, provided to the user, is information that was captured by the user.

Moreover, CAMPBELL does not further disclose or suggest that a user selects one or more fix points on a geographical map, prior to receiving a link to the captured electronic media, and that a control unit of a portable electronic device (of a user) associates a geographic location (determined by a positioning unit of the portable electronic device) of the user with a particular fix point, of the one or more fix points. According, CAMPBELL cannot disclose or suggest the above feature of claim 8, as amended.

NAKANO merely discloses a server program for updating road information in a map information providing system (paragraph 0010 of NAKANO). NAKANO further discloses that the map information providing system compares network data with locus data, created from present location data received from a terminal unit, and updates map information. However, NAKANO does not disclose or suggest that the present location data is electronic media (comprising at least one of one or more picture files, or one or more video files) captured by the user (using the terminal unit). Instead, NAKANO discloses that the present location data is coordinate data represented by a longitude and latitude on a map (paragraph 0061 of NAKANO). Moreover, NAKANO does not further disclose or suggest that the user selects one or more fix points on a geographical map, prior to receiving a link to the captured electronic

media, and that a control unit of the terminal unit associates a geographic location (determined by a positioning unit of the terminal unit) of the user with a particular fix point, of the one or more fix points. Instead, NAKANO merely discloses that present location data is received every time from the terminal unit.

Accordingly, NAKANO cannot disclose or suggest a portable electronic device comprising a first data receiving unit to capture, by the user, electronic media (comprising at least one of one or more picture files, or one or more video files); and a control unit to associate a geographic location (determined by a positioning unit of the portable electronic device) of the user with a particular fix point, of the one or more fix points (selected by the user on a geographical map prior receiving a link to the captured electronic media), associate the captured electronic media with the particular fix point, and receive the link, from the particular fix point to the captured electronic media, the link allowing the captured electronic media to be retrieved upon selection of the particular fix point, as recited in claim 8, as amended.

For at least the foregoing reasons, Applicant submits that claim 8 is patentable over WALL et al., CAMPBELL, and NAKANO, whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) based on WALL et al., CAMPBELL, and NAKANO.

Claims 8-12 depend from claim 1. Therefore, claims 8-12 are patentable over WALL et al., CAMPBELL, and NAKANO, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 8-12 under 35 U.S.C. § 103(a) based on WALL et al., CAMPBELL, and NAKANO.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions regarding Official Notice, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070, and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /James S. Bennin, Reg. No. 60,692/
James S. Bennin
Registration No. 60,692

Date: June 28, 2010

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 58561